

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34042

STATE OF IDAHO,)	2008 Unpublished Opinion No. 383
)	
Plaintiff-Respondent,)	Filed: March 3, 2008
)	
v.)	Stephen W. Kenyon, Clerk
)	
JESSE DEAN RALLS,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Michael E. Wetherell, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, affirmed.

Molly J. Huskey, State Appellate Public Defender; Erik R. Lehtinen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

PER CURIAM

Jesse Dean Ralls pled guilty to grand theft by possession of stolen property. I.C. §§ 18-2403(4), 18-2407(1). In exchange for his guilty plea, an additional charge of battery on a law enforcement officer was dismissed and the state agreed not to pursue an allegation that Ralls was a persistent violator. The district court sentenced Ralls to a unified term of fourteen years, with a minimum period of confinement of four years. Ralls filed an I.C.R 35 motion, which the district court denied. Ralls appeals.

A motion for reduction of sentence under I.C.R. 35 is essentially a plea for leniency, addressed to the sound discretion of the court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007). Upon review of the

record, including the new information submitted with Ralls's Rule 35 motion, we conclude no abuse of discretion has been shown. Therefore, the district court's order denying Ralls's Rule 35 motion is affirmed.